

Amendments To Drawing Pursuant 37 C.F.R. § 1.121(d)

Applicants respectfully request amendment of the present application to include amended drawings identified as Fig 6, Fig. 9, and Fig. 9E. Replacement Sheets of Fig. 6, Fig. 9 and Fig. 9E are submitted herewith displaying the proposed amendments. Corresponding amendments to the application specification have been requested above pursuant 37 C.F.R. § 1.121(b).

REMARKS

Applicants have amended herein Claims 22, 25-29, 31-35, 38-40, and 48-49. The claim amendments do not add new subject matter and have antecedent basis. In addition, Applicant has added herein new Claims 50-51. Applicant respectfully requests reconsideration.

Applicants have cancelled herein Claims 24, 36-37, and 42-44 without prejudice to the subject matter contained therein.

Drawings

The Examiner has objected to the drawings because the drawings need to show sectional lines with respect to sectional views taken. The Examiner has requested corrected drawing sheets in compliance with 37 C.F.R. § 1.121(d) be submitted for the Examiner's consideration.

Applicants submit herewith Replacement Sheets displaying Fig. 6, Fig. 9, and Fig. 9E. Applicants respectfully submit the drawings illustrate the sectional lines at which cross sectional views are taken.

Specification

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner points out that Claim 48 and 49 lack antecedent basis for the term "product," and may include inconsistent terminology with Claim 40 that positively claims an "item." Applicants have herein amended Claim 48 and Claim 49 to delete the term "product" and to include therein the term "item" which has antecedent basis in independent Claim 40 from which Claims 48 and 49 depend.

In addition, the Examiner has rejected Claims 24 and 37 as being indefinite pursuant 35 U.S.C. § 112, second paragraph. Applicants have cancelled herein Claims 24 and 37 without prejudice to the subject matter contained therein.

Rejection of Claims 22-42 and 45-49 Pursuant 35 U.S.C. § 102(b)

Claims 22-42 and 45-49 have been rejected pursuant 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,872,551 issued to Theros ("Theros"). Applicants respectfully traverse the rejection of the Claims for the reasons given below.

Independent Claim 22 has been amended herein. Applicants respectfully submit that Theros does not teach each and every element of Claim 22 as required to anticipate a claimed invention pursuant 35 U.S.C. § 102(b). More specifically, Theros does not teach at least the limitation of Claim 22 directed to *two diametrically opposed tabs disposed along an edge of the insert card defining the aperture, each tab extending inwardly toward the aperture and being disposed and configured such that at least a portion of one of the tabs separately contacts the portion of the product to support the product in the packaging system.*

Theros teaches a package (10) including a first panel (32) connected along a base portion (44) to a second panel (34). The base portion further includes a pair of openings (48) along a base (52) that enable each member (16) of pliers (12) to extend from the package (10). The base (52) further includes a pair of bridge supports (54) and (56) located in each panel (32) and (34) in a recess area (38). The supports (54) and (56) are configured to tightly contact each other to form a reinforced structure to support the pliers (12) disposed in the packaging (10). (See Fig. 3, and col. 3, lines 13-15, 26-27, 41-43, and 46-50).

The packaging system of Claim 22 comprises two diametrically opposed tabs with each tab extending inwardly toward the aperture and being disposed and configured such that at least a portion of one of the tabs separately contacts the portion of the product to support the product in the packaging system. In contrast to the bridge supports (54) and (56) of Theros, at least one of the two diametrically opposed tabs of Claim 22 contacts the portion of the product to dispose the product within the packaging system. Unlike the bridge supports of Theros, the packaging system of Claim 22 does not require the tabs to mate to or to contact one another, as do the supports of Theros, to support the portion of the product within the packaging system. Theros therefore does not teach each and every element of Claim 22.

Thus, Claim 22 is patentably distinct from Theros. Accordingly, the rejection of Claim 22 pursuant 35 U.S.C. § 102(b) should be withdrawn.

Without commenting or acceding to the bases for the rejections of dependent Claims 23, 25-35, and 38-39 cited in the Examiner's Action, Applicants respectfully submit Claims 23, 25-25, and 38-39 depend on Claim 22 and are patentable for at least the reasons given above. The rejection of Claims 23, 25-35, and 38-39 pursuant 35 U.S.C. § 102(b) therefore should be withdrawn.

With respect to independent Claim 40, Claim 40 has been amended herein. Like Claim 22, Claim 40 includes the limitation of the packaging assembly *defining an aperture configured to receive at least part of the portion of the item and further defining along a perimeter of the aperture two diametrically opposed tabs extending inwardly toward the aperture, each tab being disposed and configured such that at least a portion of one of the tabs separately contacts the portion of the product to support the product in the packaging assembly*. Applicants respectfully submit that Theros does not teach at least this limitation of Claim 40 for the reasons given above.

Thus, Claim 40 is patentably distinct from Theros and the rejection of Claim 40 pursuant 35 U.S.C. § 102(b) should be withdrawn.

Without commenting or acceding to the bases for the rejections of dependent Claims 41, and 45-49 cited in the Examiner's Action, Applicants respectfully submit Claims 41 and 45-49 depend on Claim 40 and are patentable for at least the reasons given above. The rejection of Claims 41 and 45-49 pursuant 35 U.S.C. § 102(b) should be withdrawn.

Patentability of New Claim 50 and 51

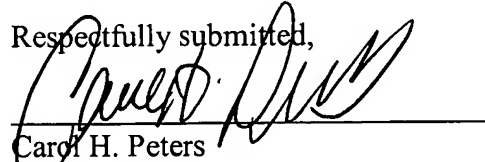
New dependent Claim 50 depends indirectly on independent Claim 22. For at least the reasons given above, Claim 50 is patentable in view of the prior art of record.

New independent Claim 51 is directed to a packaging system and is patentable in view of the prior art of record at least with respect to the claimed limitations of *two diametrically opposed slots defined along an edge of the insert card defining the aperture, each slot extending outwardly away from the aperture; and a clasp configured*

to couple with and bias against at least part of the portion of the product and defining at each terminal end a tab to include two diametrically opposed tabs, each tab being disposed and configured such that when the clasp is coupled to the product, each slot receives at least a portion of one of the tabs to support the product in the packaging system.

Based upon the foregoing amendments and discussion, the present application is in condition for allowance, and an action to this effect is respectfully requested. Should the Examiner have any questions concerning this response, he is invited to telephone the undersigned.

Respectfully submitted,



Carol H. Peters

Registration No. 45,010

MINTZ, LEVIN, COHN, FERRIS

GLOVSKY and POPEO, P.C.

Attorneys for Applicant

One Financial Center

Boston, Massachusetts 02111

Telephone: 617/348-4914

Facsimile: 617/542-2241

email: chpeters@mintz.com

Date: October 20, 2006

TRA 2211433v.1